

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7950

BILL NUMBER: HB 1892

DATE PREPARED: Jan 10, 2001

BILL AMENDED:

SUBJECT: Methamphetamine.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine. The bill makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine.

This bill imposes a Class D felony for manufacturing drugs on property where a child resides. It increases the criminal penalty for possessing precursors when the offender possesses a firearm. The bill also permits a law enforcement agency to dispose of chemical waste used in the production of illegal drugs. Imposes a class D felony for the dumping of chemical drug waste.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine and makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine. In so doing, this bill establishes felony murder and Class A, B, C, and D felonies for offenses specified in the bill. Convictions under these provisions would increase expenditures to the state for incarceration.

The bill also makes it a Class D felony for manufacturing drugs on property where a child resides and for the dumping of chemical drug waste. The bill increases the criminal penalty from a Class D to a Class C or Class A penalty for possessing precursors when the offender possesses a firearm or precursors when the offender is on a school bus, on school property, a public park, or a family housing complex; respectively.

The following prison terms and average lengths of stay apply:

Felony	Prison Term	Average Time Served
Murder	45 to 65 years	17 years, 6 months
Class A	20 to 50 years	8 years, 4 months
Class B	6 to 20 years	3 years, 6 months
Class C	2 to 8 years	2 years
Class D	6 months to 3 years, or reduction to a Class A misdemeanor	10 months

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

The bill also provides for life imprisonment without parole or the death penalty for the crime of murder involving dealing methamphetamine. (Death penalty case appeals may involve expenditures by state entities, including the Office of the Attorney General and the State Public Defender's Office.)

This bill adds another crime to those considered in the definition of a "racketeering activity." Persons engaged in racketeering activity may be convicted of corrupt business influence, a Class C felony. (Seven persons were sentenced to Department of Correction (DOC) facilities for this crime in FY 2000.)

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for murder and felony convictions is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, persons convicted of a drug-related offense may also be liable for a drug abuse, prosecution, interdiction, and correction fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the State User Fee Fund and distributed to state and local programs.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement

the compensation of jury members.

In addition, if a person is convicted of a drug-related offense, a sentencing court may assess a marijuana eradication fee of not more than \$300 if the county has established a Weed Control Board. The court may also assess an alcohol and drug services program fee of not more than \$300 if a local government has established an alcohol and drug services program. Revenue collected from the marijuana eradication fee is deposited into the county user fee fund. Revenue collected from the alcohol and drug services program fee is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction; Emergency Medical Services Commission; Health Professions Bureau; Professional Licensing Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.